

RESOLUTION NO. 3619-99

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TUALATIN,  
OREGON AUTHORIZING AN AMENDMENT OF THE  
INTERGOVERNMENTAL COOPERATION AGREEMENT BETWEEN  
THE METROPOLITAN AREA COMMUNICATIONS COMMISSION AND  
MEMBER JURISDICTIONS REGARDING FRANCHISE FEE  
DISTRIBUTION

WHEREAS the City of Tualatin is a member of the Metropolitan Area Communications Commission (hereinafter MACC); and

WHEREAS the member jurisdictions of the Metropolitan Area Communications Commission (hereinafter jurisdictions) have entered into an Intergovernmental Cooperation Agreement (hereinafter MACC IGA), and Section 9.E. of that agreement requires that the terms shall not be amended without written authorization of the governing bodies of all of the member jurisdictions; and

WHEREAS the jurisdictions amended the MACC IGA in 1989 to authorize an initial four-year contribution of additional contribution to support MACC's Designated Public, Education, and Government Access Provider (hereinafter PEG Access Provider), which is currently Tualatin Valley Community Access; and

WHEREAS in 1994, the jurisdictions again amended the MACC IGA by re-authorizing the additional contribution to support the PEG Access Provider to continue until June 30, 1999; and

WHEREAS the current jurisdictional support level for the PEG Access Provider, expiring on June 30, 1999, is 5% of the jurisdiction's share of franchise fee revenues as a direct contribution combined with MACC's contribution of 10%, which now totals 15% of the total franchise fee revenues received from the cable operator; and

WHEREAS the MACC Board of Commissioners, on behalf of the jurisdictions, have reviewed the future funding needs of the PEG Access Provider under the renewed TCI Franchise Agreement, and recommends that member jurisdictions continue to make a contribution of their franchise fee revenues to the PEG Access Provider; and

WHEREAS the MACC Board of Commissioners agrees to increase MACC's contribution to the designated Access Provider, effective July 1, 1999, from 10% to 12% of the MACC share of the franchise fee revenues; and

WHEREAS the MACC Board of Commissioners recommends that the member jurisdictions each continue to contribute 5% of franchise fee revenues, combined with 12% from MACC's share, for a total jurisdictional support level to the Access Provider of 17% of franchise fees revenues; and

WHEREAS the MACC Board of Commissioners also encourages individual jurisdictions to elect to contribute more than the recommended 17% level to the PEG Access Provider; and

WHEREAS the MACC Board of Commissioners recognizes that some jurisdictions may not be able, at this time, to contribute the recommended amount, and therefore can choose to provide only a 15% PEG contribution; and

WHEREAS the support level chosen by each jurisdiction would become effective beginning July 1, 1999, and automatically renew for periods of three years unless an individual jurisdiction decided to invoke the option available under Section 6.E.(3) of the MACC IGA to give prior notice to reduce or increase its contributions in any fiscal year; and

WHEREAS distribution of the jurisdictions' franchise fee revenues requires the amendment of the MACC IGA, as it is currently written.

BE IT RESOLVED by the City Council of the City of Tualatin, Oregon that it hereby consents to an authorizes amendment of the MACC IGA as follows:

1. To replace Section 6.E. with the following:

E. (1) MACC recommends a jurisdictional PEG contribution of 17% of the franchise fee revenues. Jurisdictions may individually choose to provide a higher level of support in any amount. They may also choose to provide only a 15% jurisdictional PEG contribution.

(2) Franchise fee contributions to the Access Provider from the jurisdictions shall automatically renew for three year periods on July 1, 2002, 2005, 2008, and 2011, unless a jurisdiction gives written notice to the Commission prior to immediately preceding January 1, of action taken by the governing body of that jurisdiction to suspend that renewal. In such case, renewal shall be suspended until such time as the governing bodies of all member jurisdictions take action to make a PEG contribution.

(3) A jurisdiction providing franchise fee support may reduce to not

less than 15%, or increase its contributions to support the Access Provider for any fiscal year beginning after July 1, 2000, if it gives written notice to the Commission prior to the immediately preceding January 1, or such decision by its governing body for each fiscal year it chooses to reduce or increase its contributions.

2. The Mayor is authorized to file an executed true and correct copy of this Resolution with MACC.

INTRODUCED AND ADOPTED this 28<sup>th</sup> day of June, 1999.

CITY OF TUALATIN, OREGON

BY 

Mayor

ATTEST:

BY 

City Recorder



METROPOLITAN AREA  
COMMUNICATIONS COMMISSION

Cable TV Franchise Regulation • Telecommunications Service and Support • Public Communications Network (PCN)

June 10, 1999

Mayor Lou Ogden  
P.O. Box 369  
Tualatin, OR 97062

**RE: RECOMMENDATION FROM MACC -- PEG ACCESS FUNDING**

Dear Mayor Ogden and Council Members:

The Board of Commissioners of the Metropolitan Area Communications Commission (MACC) are recommending that your City, as a member jurisdiction of MACC, continue to provide a portion of your franchise fee revenues to help support the operations of Tualatin Valley Community Access (TVCA), our local public, education, and government access television provider.

Community needs assessments that were done for the recent TCI franchise renewal demonstrated that both subscribers and other stakeholders place a high value on Community Access Television.

Since 1992, MACC member jurisdictions have provided TVCA a portion of their franchise fee revenues for its operations. Currently jurisdictions provide 5% of their franchise fee revenues, which has been combined with a 10% contribution from MACC's share of franchise fees, for a total of 15% for TVCA. The authorization from jurisdictions for the 5% contribution to TVCA expires on June 30, 1999.

**The MACC Board of Commissioners recommends that jurisdictions continue their 5% contribution level.** MACC will increase its contribution beginning July 1, 1999, to 12%, for a total contribution to TVCA of 17% (In addition, MACC will return an additional 1% of its franchise fee share to the jurisdictions which effectively reduces your actual contribution – see Attachment A) With this level of support, MACC feels TVCA will be able to continue its fine level of service to your citizens and the member jurisdictions.

MACC also provides member jurisdictions with two other alternatives to the recommended contribution level: 1) Jurisdictions are encouraged to give more than the 17% share recommended by MACC, or 2) Jurisdictions may elect to contribute only 15% to TVCA.

Enclosed is a copy of MACC Resolution 99-02, which recommends changes to the MACC Intergovernmental Agreement (IGA) to enable jurisdictions to continue supporting TVCA. We have also provided your jurisdiction a sample draft resolution which you, or your legal counsel, can use to consent to the changes in the IGA, and to select your jurisdiction's level of financial support.

PROVIDING SERVICE SINCE 1980

1815 NW 169TH PLACE, SUITE 6020 • BEAVERTON, OREGON 97006-4886 • (503) 645-7365 • FAX (503) 645-0999

Representing the Communities of Banks, Beaverton, Cornelius, Durham, Forest Grove, Gaston, Hillsboro, King City, Lake Oswego, North Plains, Rivergrove, Sherwood, Tigard, Tualatin, Washington County, and Wilsonville

The level of support selected by your jurisdictions will remain in effect for three years, and will automatically renew for consecutive three-year periods unless a member jurisdiction gives notice to reconsider the renewal. The resolution also contains a mechanism for individual jurisdictions to decrease or increase its individual contribution in a given year by giving advance notice to MACC. The enclosed spreadsheet (Attachment A) shows the financial effect on your jurisdiction of the recommended levels of contributions.

A representative of TVCA will accompany us to your jurisdictions to make a brief presentation and answer questions about their program and the MACC recommendations. In the meantime, we would be happy to answer any questions you might have.

Thank you in advance for your consideration of this important matter.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Bruce Crest', is written over the printed name.

Bruce Crest  
Administrator

Attachments: MACC Resolution 99-02  
TVCA Supportive Materials

Cc: Tony Weller, MACC Commissioner  
Chris Bergstrom, MACC Commissioner

**METROPOLITAN AREA COMMUNICATIONS COMMISSION**

**RESOLUTION 99-02**

**A RESOLUTION RECOMMENDING AN AMENDMENT TO  
THE MACC INTERGOVERNMENTAL COOPERATION AGREEMENT, TO  
CONTINUE THE CONTRIBUTION OF ADDITIONAL FRANCHISE FEE  
REVENUE TO MACC's DESIGNATED PUBLIC, EDUCATION,  
AND GOVERNMENT ACCESS TELEVISION PROVIDER**

**WHEREAS**, the member jurisdictions of the Metropolitan Area Communications Commission (hereinafter jurisdictions) amended the MACC Intergovernmental Cooperation Agreement (hereinafter MACC IGA) in 1989 authorizing an initial four-year contribution of additional franchise fee revenue to support MACC's Designated Public, Education, and Government Access (hereinafter PEG) Provider (hereinafter Access Provider), which is currently Tualatin Valley Community Access; and

**WHEREAS**, in 1994, the jurisdictions again amended the MACC IGA by re-authorizing the additional contribution to support the Access Provider to continue until June 30, 1999; and

**WHEREAS**, the current jurisdictional support level for the Access Provider, expiring on June 30, 1999, is 5% of the jurisdiction's share of franchise fee revenues as a direct contribution combined with MACC's contribution of 10%, which now totals 15% of the total franchise fee revenues received from the cable operator; and

**WHEREAS**, the MACC Board of Commissioners, on behalf of the jurisdictions, have reviewed the future funding needs of the Access Provider under the renewed TCI Cable Services Franchise Agreement, and recommends that the member jurisdictions continue to make a contribution of their franchise fee revenues to the Access Provider; and

**WHEREAS**, the MACC Board of Commissioners agrees to increase MACC's contribution to the designated Access Provider, effective July 1, 1999, from 10% to 12% of the MACC share of the franchise fee revenues; and

**WHEREAS**, the MACC Board of Commissioners recommends that the member jurisdictions each continue to contribute 5% of franchise fee revenues, combined with 12% from MACC's share, for a total jurisdictional support level to the Access Provider of 17% of franchise fees revenues; and

**WHEREAS**, the MACC Board of Commissioners also encourages individual member jurisdictions to elect to contribute more than the recommended 17% level to the Access Provider; and

**WHEREAS**, the MACC Board of Commissioners recognizes that some jurisdictions may not be able, at this time, to contribute the recommended amount, and therefore can choose to provide only a 15% PEG contribution; and

**WHEREAS**, the support level chosen by each member jurisdiction would become effective beginning July 1, 1999, and automatically renew for periods of three years unless an individual jurisdiction decided to invoke the option available under §6.E (3) of the MACC IGA to give prior notice to reduce or increase its contributions in any fiscal year; and

**WHEREAS**, a redistribution of the member jurisdictions' franchise fee revenues requires the amendment of the MACC IGA, as it is currently written;

**NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE METROPOLITAN AREA COMMUNICATIONS COMMISSION** that it recommends to its member jurisdictions:

To consent to and authorize amendment of the MACC Intergovernmental Cooperation Agreement to distribute a portion of the franchise fees revenues of each member jurisdiction to MACC's PEG Access Provider by replacing Subsection 6.E. of the current IGA with the following:

Section 6. E. (1) MACC recommends a jurisdictional PEG contribution of 17% of the franchise fee revenues. Jurisdictions may individually choose to provide a higher level of support in any amount. They may also choose to provide a minimum of 15%.

(2) Franchise fee contributions to the Access Provider from all jurisdictions shall automatically renew for three-year periods on July 1, 2002, 2005, 2008, and 2011, unless, prior to the immediately preceding January 1, a jurisdiction gives written notice to MACC of its intention to reconsider the renewal. In such case, renewal shall be suspended until such time as the governing bodies of all member jurisdictions resolve the issue.

(3) By giving written notice to MACC prior to the immediately preceding January 1, a jurisdiction providing franchise fee support may reduce, to not less than 15%, or increase its support for the Access Provider for any fiscal year beginning after July 1, 2000, by a decision of its governing body for each fiscal year it chooses to reduce or increase its contributions.

**ADOPTED BY THE BOARD OF COMMISSIONERS OF THE METROPOLITAN AREA COMMUNICATIONS COMMISSION** this 19<sup>th</sup> day of May, 1999.

  
Evelyn Brzezinski, Acting Chair

# REPORT TO THE TUALATIN CITY COUNCIL ON COMMUNITY ACCESS TELEVISION

Prepared by Tualatin Valley Community Access

## ► HISTORY OF COMMUNITY ACCESS TELEVISION

Public, Education and Government (PEG) Access Television, or "Community Access," is a public benefit included in most modern cable franchises, including the franchises MACC has negotiated with TCI on behalf of Tualatin and the 14 other MACC jurisdictions. Substandard Community Access Television services in the early to mid-1980s led MACC to create Tualatin Valley Community Access (TVCA).

TVCA was established as a division of MACC in 1988 to provide Community Access Television for the cable system—including Public, Educational and Governmental Access programming. In 1994, after extensive study by the MACC Commission, TVCA began operating as a tax-exempt, nonprofit organization through a Community Access Management Contract with MACC.

Today many MACC member governments rely on TVCA for coverage of public meetings; numerous nonprofit and educational groups have been trained by TVCA and use TVCA equipment and facilities to develop their own non-commercial programming; and all cable subscribers benefit from having a diverse array of locally-oriented programming of direct relevance to Tualatin and the other communities within the MACC-TVCA service area.

## ► TVCA SERVICES AND PROGRAMMING

TVCA's mission is "to strengthen the fabric of community life by providing communication tools, training and opportunities" to people throughout the Tualatin Valley.

### Core services include:

- **Media Access.** Making technical support and television production equipment available to PEG Access users (local governments, schools, community groups, individual citizens) for the development of local programming.
- **Media Education.** Providing media literacy training that enables diverse individuals and groups to participate in a "hands on" way in the creation of PEG Access programming.
- **Media Production.** Producing coverage of local government meetings; producing Outreach Productions in cooperation with local governments, educational groups and community organizations; and supporting the public in



developing local programming. *See the attached highlights of community access programming.*

- **Channel Management and Cablecasting.** Coordinating, scheduling and publicizing programming on six PEG Access channels.

## ► CABLE FRANCHISE RENEWAL AND COMMUNITY ACCESS TV OPERATIONS

The recently-concluded TCI-Tualatin Valley cable franchise renewal process included extensive community needs assessment (required by federal law) indicating that subscribers and other stakeholder groups (e.g. community organizations, educators, local government officials) place a high value on Community Access Television.

Despite community interest, changes in federal law now make it difficult for local governments to require cable company funding for PEG Access *operations* in new cable franchises. Although the new TCI-Tualatin Valley franchise includes adequate resources for PEG Access *capital* (funds for equipment and facilities), operations funding is lacking.

The previous TCI-Tualatin Valley cable franchise (which was in effect through January 1999) required TCI to make approximately \$500,000 available annually for Community Access Television operations; the new TCI-Tualatin Valley franchise includes the potential for minimal operations funding for four years (only \$150,000 per year) *with no operations funding for the remaining eleven years of the new franchise.*

Due to the dramatic reduction in PEG Access operations funding, TVCA has downsized its operation with a goal of maintaining a "critical mass" to allow continuing service to communities throughout the 15-jurisdiction service area. Due to the limited operations funding available in the new franchise, the continuation of cable franchise fee funding and TVCA earned/raised income is critical to the continuing viability of Community Access Television.

## ► FUTURE TVCA-COMMUNITY ACCESS TELEVISION SERVICES

In March, April and May, the MACC Commission held three meetings devoted exclusively to studying PEG Access service levels and future funding requirements in relation to the community needs identified during the franchise renewal process. Those community communication needs included:

- Local communication within particular geographic communities
- Communication between government and citizens
- Opportunities to broaden civic involvement
- Access to learning opportunities and information

With the MACC-recommended level of continuing franchise fee support (a continuation of the 5% jurisdictional share combined with a MACC contribution of 12%), along with other PEG Access resources, TVCA projects being able to maintain a baseline operation that will continue to reasonably meet the key community communication needs and interests identified during the franchise renewal process.

Based on the need for increased communication between local governments and citizens, TVCA has proposed the following enhancements in the government access services within the PEG Access program:

- A monthly "Ask the Mayor and/or Council" production for all interested MACC jurisdictions.
- A new approach to Outreach Productions (which are produced by TVCA in cooperation with local groups) in which each MACC jurisdiction may request a number of specific productions, without charge, per year.
- A greatly increased potential for live and videotaped government meeting coverage throughout the MACC-TVCA service in future years through the introduction of built-in council chamber television production systems in several MACC jurisdictions.
- In addition, TVCA is undertaking specific fund raising activities to pay for the inclusion of program listings for PEG Access Channels on the TCI "Prevue Channel."

Community Access Television—including the cable system's Public, Education and Government (PEG) Access channels—provide a vital public space for local civic and cultural exchange. The continuation of local cable franchise fee support for PEG Access operations is crucial to the continuing viability of this important community communications resource.

We would be glad to answer any questions you have about TVCA during your June 14 Council meeting.



## **Community Access Television Productions Tualatin – Partial List**

### **► Outreach Productions**

Outreach Productions are produced by TVCA in cooperation with local organizations. Examples include:

- **Metro Regional Report.** This talk show, hosted by Metro Presiding Officer John Kvistad, recently included an interview with Mayor Lou Ogden on the topic of the Urban Growth Boundary.
- **Video Voters Guide.** This voter information series, produced in cooperation with the League of Women Voters, has included candidates in Tualatin City Council races, legislative races, and other statewide offices.
- **Tualatin Crowdad Festival.** This production highlighted festival activities including a display of more than 100 restored classic cars and a crowdad eating contest with participants from twelve states.
- **City of Tualatin Community Forum.** This coverage of a Tualatin community forum addressed a bond issue for construction of a recreation center, new city offices and an expansion of the existing library.
- **Washington County Review.** Tualatin office holders, department heads and nonprofit organization partners have been featured on this public affairs series over the past three years. Topics have included Libraries and the Cooperative Library System, Emergency Preparedness, Children and Family Services, Public Health, and Aging in Our Communities. The Tualatin Family Resource Center and Opening doors were among the Tualatin agencies featured.

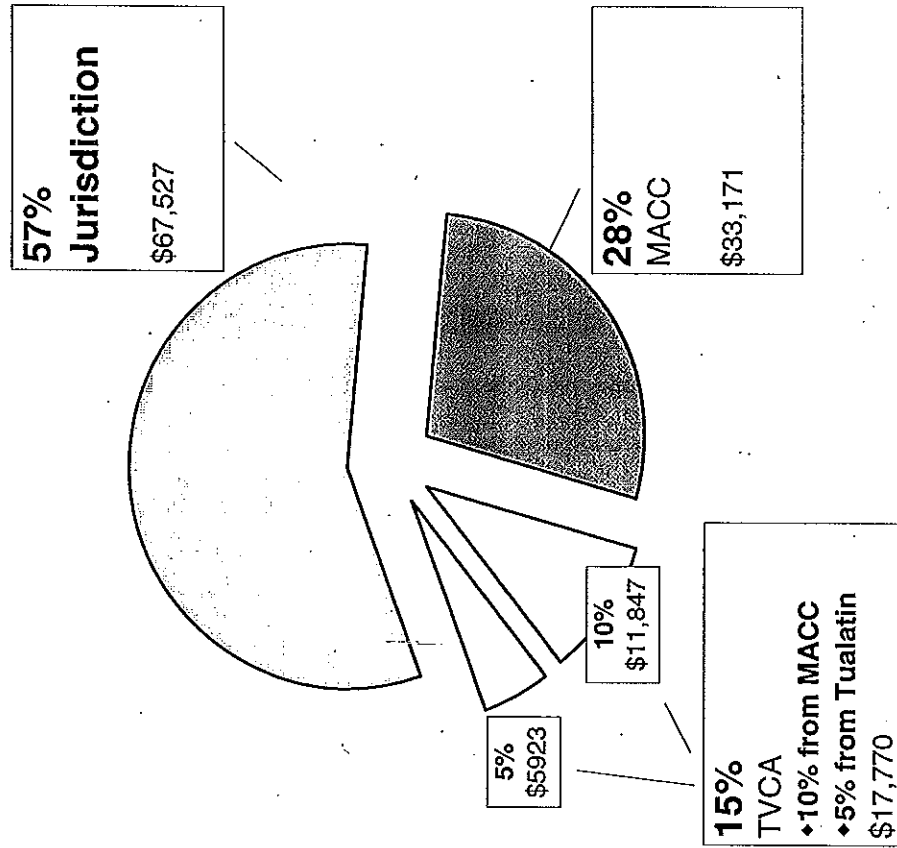
### **► Productions by Tualatin Volunteers**

Tualatin residents have been active in developing community-oriented programming. Examples include:

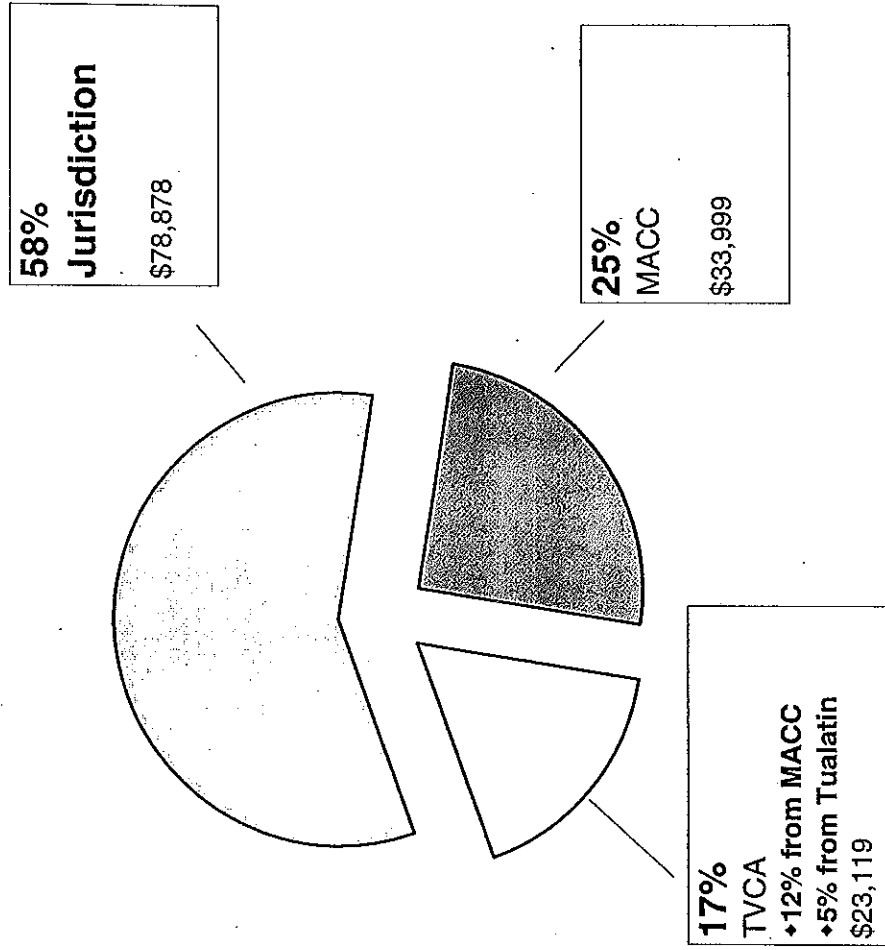
Tualatin Riverkeepers Public Service Announcement • Portland International Airport 2020 Master Plan, an introduction to this 20-year plan • United Methodist Church Public Service Announcement • The Young Generation and the High Steppers, a musical program • Teen Pregnancy Reduction, offering strategies to reduce teen pregnancies • Goals 2000: Learning On Line, a program about connecting children, parents and schools through technology • The Ol' Fishing Hole, a series about fishing • Heart of India, featuring a Tualatin family with a ministry in India.

# MACC RECOMMENDATION FOR TCI-TUALATIN VALLEY CABLE FRANCHISE FEE ALLOCATION TO PEG ACCESS

Franchise Fee Distribution through 6/30/99



Franchise Fee Distribution as of 7/1/99



TUALATIN: 5.9687% of Total Subscribers

Current Franchise Fee Distribution through 6/30/99 (Est. for FY 98/99):

Kept by Tualatin:	57%	\$67,527
MACC share:	28%	\$33,171
TVCA share (from Tualatin):	5%	\$5,923
TVCA share (from MACC):	10%	\$11,847
<b>TOTAL</b>	<b>100%</b>	<b>\$118,469</b>

TUALATIN: 6.6% of Total Subscribers

Recommended Franchise Fee Distribution as of 7/1/99 (Est. for FY 99/00)

Kept by Tualatin:	58%	\$78,878
MACC share:	25%	\$33,999
TVCA share	17%	\$23,119
(Includes MACC 12%, Tualatin 5%)		
<b>TOTAL</b>	<b>100%</b>	<b>\$135,996</b>